

Exhibit 88

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

CSX TRANSPORTATION, INC.,
individually and on behalf
of NORFOLK & PORTSMOUTH CIVIL ACTION
BELT LINE RAILROAD FILE NO.
COMPANY, 2:18-cv-530-MSD-LRL
Plaintiffs,
vs.
NORFOLK SOUTHERN RAILWAY
COMPANY, et al.,

Defendants.

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DEPOSITION OF  
JERRY HALL

9:03 a.m.

February 21, 2020

600 Peachtree Street  
Suite 3000  
Atlanta, Georgia

Susan M. Pitts, CCR-B-1806, RPR  
Job No. CS3990713

1           A.     I can't say for sure because I didn't  
2 really get into rates as -- in my position.

3           Q.     During your service on the board, did CSX  
4 propose any -- CSX representatives propose any  
5 changes in the structure of the board?

6           A.     Only by correspondence, letter. It wasn't  
7 in a board meeting. But I do recall the  
8 correspondence requesting that.

9           MR. McFARLAND: Okay. In that respect, if  
10 you will give the witness tab -- the documents  
11 at Tab 9. And this is Bates Numbered  
12 CSXT0006383 through 6390.

13           MR. ERBACH: This will be Exhibit 7?

14           THE REPORTER: Yes.

15           (Exhibit 7 was marked for identification.)

16           THE WITNESS: I have reviewed and I am  
17 familiar with this.

18           Q.     (By Mr. McFarland) Do you remember  
19 receiving a copy of this back in April of 2018?

20           A.     Yes, I do.

21           Q.     And had you had any dealings with  
22 Mr. Armbrust at CSX before receipt of this letter?

23           A.     No. I do not know him.

24           Q.     Okay. What did you, as a member of the  
25 NPBL board, understand this letter to be addressing

1 or discussing?

2 A. Requesting a change of the makeup of the  
3 board of NPBL.

4 Q. Did you, as a board member, take any  
5 actions with respect to this letter?

6 A. No, I did not.

7 Q. Were there any special board meetings  
8 called to address or discuss this letter?

9 A. No.

10 Q. At the time you concluded your service on  
11 the NPBL board, what was the status of the request  
12 made in this letter?

13 MR. ERBACH: Object to form.

14 THE WITNESS: I'm not sure if it was an  
15 official response back from Cannon Moss. There  
16 probably was, but I can't say for sure without  
17 reviewing all the documents. There was no  
18 change in the makeup of the board, though.

19 Q. (By Mr. McFarland) Do you know if any  
20 committees were formed or called to investigate the  
21 issues raised in Mr. Armbrust's letter?

22 A. No, not to my knowledge.

23 Q. As a member of the NPBL board, what were  
24 your feelings on the appointment of independent  
25 directors to the NPBL board?